

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES: 12

NO: 0

MR. SPEAKER:

Your Committee on Public Health, to which was referred Senate Bill 266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, line 3, after "(a)" insert "**As used in this section, "major**
- 2 **complication" means a complication from surgical treatment for**
- 3 **morbid obesity that:**
- 4 (1) **requires an extended hospitalization, additional surgical**
- 5 **treatment, or invasive drug therapy within thirty (30) days of**
- 6 **the original surgical treatment; or**
- 7 (2) **results in a permanent disability.**
- 8 (b) **As used in this section, "serious side effect" means a**
- 9 **nutritional deficiency that requires hospitalization or invasive**
- 10 **therapy.**
- 11 (c)".
- 12 Page 1, line 5, delete ":" and insert "**do the following:**
- 13 (1) **Before performing surgery, discuss the following with the**
- 14 **patient:**
- 15 (A) **The requirements to qualify for the surgery.**

- 1 **(B) The details of the surgery.**
- 2 **(C) The possible complications from the surgery.**
- 3 **(D) The side effects from the surgery, including lifestyle**
- 4 **changes and dietary protocols."**
- 5 Page 1, line 6, strike "(1)" and insert "**(2)**".
- 6 Page 1, line 6, delete "monitor" and insert "Monitor".
- 7 Page 1, line 8, delete ";" and insert ".".
- 8 Page 1, line 8, strike "and".
- 9 Page 1, line 9, strike "(2)" and insert "**(3)**".
- 10 Page 1, line 9, delete "report" and insert "Report".
- 11 Page 1, line 12, after "death" insert ",."
- 12 Page 1, line 12, strike "or".
- 13 Page 1, line 12, after "serious" insert "**side effect, or major**".
- 14 Page 1, line 14, strike "(b)" and insert "**(d)**".
- 15 Page 1, line 14, strike "in subsection (a)" and insert "**by subsection**
- 16 **(b)(2)**".
- 17 Page 2, line 2, after "death" insert ", **serious side effect,**".
- 18 Page 2, line 2, after "or" insert "**major**".
- 19 Page 2, line 3, after "death" insert ", **serious side effect,**".
- 20 Page 2, line 3, after "or" insert "**major**".
- 21 Page 2, between lines 3 and 4, begin a new line block indented and
- 22 insert:
- 23 **"(5) The comorbidities, body mass index, and waist**
- 24 **circumference of the patient:**
- 25 **(A) at the time of the surgical treatment; and**
- 26 **(B) thirty (30) days, ninety (90) days, and one (1) year after**
- 27 **surgical treatment.**
- 28 **(6) Whether the patient has had previous abdominal**
- 29 **surgery."**
- 30 Page 2, line 9, strike "section 2(a)(2)" and insert "**section 2(c)(3)**".
- 31 Page 2, line 12, delete "2(a)(2)" and insert "**2(c)(3)**".
- 32 Page 2, after line 15, begin a new paragraph and insert:
- 33 "SECTION 3. IC 27-8-14.1-4, AS AMENDED BY P.L.196-2005,
- 34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (b), an
- 36 insurer that issues an accident and sickness insurance policy shall offer
- 37 coverage for nonexperimental, surgical treatment by a health care
- 38 provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)** consecutive months.

(b) An insurer that issues an accident and sickness insurance policy may not provide coverage for a surgical treatment of morbid obesity for an insured who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

- (1) save the life of the insured; or
- (2) restore the insured's ability to maintain a major life activity (as defined in IC 4-23-29-6);

and each physician documents in the insured's medical record the reason for the physician's determination.

SECTION 4. IC 27-13-7-14.5, AS AMENDED BY P.L.196-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. (a) As used in this section, "health care provider" means a:

- (1) physician licensed under IC 25-22.5; or
- (2) hospital licensed under IC 16-21;

that provides health care services for surgical treatment of morbid obesity.

(b) As used in this section, "morbid obesity" means:

- (1) a body mass index of at least thirty-five (35) kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or
- (2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this subsection, body mass index equals weight in kilograms divided by height in meters squared.

(c) Except as provided in subsection (d), a health maintenance organization that provides coverage for basic health care services under a group contract shall offer coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)**

1 consecutive months.
2 (d) A health maintenance organization that provides coverage for
3 basic health care services may not provide coverage for surgical
4 treatment of morbid obesity for an enrollee who is less than twenty-one
5 (21) years of age unless two (2) physicians licensed under IC 25-22.5
6 determine that the surgery is necessary to:
7 (1) save the life of the enrollee; or
8 (2) restore the enrollee's ability to maintain a major life activity
9 (as defined in IC 4-23-29-6);
10 and each physician documents in the enrollee's medical record the
11 reason for the physician's determination."
 (Reference is to SB 266 as printed January 27, 2006.)

and when so amended that said bill do pass.

Representative Brown T